APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/606,466	06/26/2003	Sumedh N. Barde	MS1-1543US	3501

22801   7590   10/30/2007

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EXAMINER
FRINK, JOHN MOORE

ART UNIT	PAPER NUMBER
2142	

MAIL DATE	DELIVERY MODE
10/30/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Interview Summary	10/606,466	BARDE ET AL.
	Examiner	Art Unit	
	John M. Frink	2142	

All participants (applicant, applicant's representative, PTO personnel):

(1) _John M. Frink_.   (3)_____.

(2) _Jacob Rohwer_.   (4)_____.

Date of Interview: _23 October 2007_.

Type: a)☒ Telephonic   b)☐ Video Conference
        c)☐ Personal [copy given to: 1)☐ applicant   2)☐ applicant's representative]

Exhibit shown or demonstration conducted: d)☐ Yes   e)☒ No.
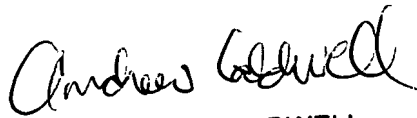   If Yes, brief description: _____.

Claim(s) discussed: _1 and 27_.

Identification of prior art discussed: _____.

Agreement with respect to the claims f)☐ was reached.   g)☒ was not reached.   h)☐ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: _As an opening matter, the Examiner informed the Applicant that he does not have signatory authority and that no final decisions regarding patentability or applicability of prior art could be made. Paragraph [0002] of the Agenda provided by Applicant was discussed. The Examiner noted that a preliminary review of the art cited in the previous Final Rejection did not indicate the same art would apply to the claims as proposed_.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN A NON-EXTENDABLE PERIOD OF THE LONGER OF ONE MONTH OR THIRTY DAYS FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

ANDREW CALDWELL
SUPERVISORY PATENT EXAMINER

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.	
	Examiner's signature, if required

Summary of Record of Interview Requirements

Manual of Patent Examining Procedure (MPEP), Section 713.04, Substance of Interview Must be Made of Record
A complete written statement as to the substance of any face-to-face, video conference, or telephone interview with regard to an application must be made of record in the application whether or not an agreement with the examiner was reached at the interview.

Title 37 Code of Federal Regulations (CFR) § 1.133 Interviews
Paragraph (b)
In every instance where reconsideration is requested in view of an interview with an examiner, a complete written statement of the reasons presented at the interview as warranting favorable action must be filed by the applicant. An interview does not remove the necessity for reply to Office action as specified in §§ 1.111, 1.135. (35 U.S.C. 132)

37 CFR §1.2 Business to be transacted in writing.
All business with the Patent or Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

The action of the Patent and Trademark Office cannot be based exclusively on the written record in the Office if that record is itself incomplete through the failure to record the substance of interviews.

It is the responsibility of the applicant or the attorney or agent to make the substance of an interview of record in the application file, unless the examiner indicates he or she will do so. It is the examiner's responsibility to see that such a record is made and to correct material inaccuracies which bear directly on the question of patentability.

Examiners must complete an Interview Summary Form for each interview held where a matter of substance has been discussed during the interview by checking the appropriate boxes and filling in the blanks. Discussions regarding only procedural matters, directed solely to restriction requirements for which interview recordation is otherwise provided for in Section 812.01 of the Manual of Patent Examining Procedure, or pointing out typographical errors or unreadable script in Office actions or the like, are excluded from the interview recordation procedures below. Where the substance of an interview is completely recorded in an Examiners Amendment, no separate Interview Summary Record is required.

The Interview Summary Form shall be given an appropriate Paper No., placed in the right hand portion of the file, and listed on the "Contents" section of the file wrapper. In a personal interview, a duplicate of the Form is given to the applicant (or attorney or agent) at the conclusion of the interview. In the case of a telephone or video-conference interview, the copy is mailed to the applicant's correspondence address either with or prior to the next official communication. If additional correspondence from the examiner is not likely before an allowance or if other circumstances dictate, the Form should be mailed promptly after the interview rather than with the next official communication.

The Form provides for recordation of the following information:
- Application Number (Series Code and Serial Number)
- Name of applicant
- Name of examiner
- Date of interview
- Type of interview (telephonic, video-conference, or personal)
- Name of participant(s) (applicant, attorney or agent, examiner, other PTO personnel, etc.)
- An indication whether or not an exhibit was shown or a demonstration conducted
- An identification of the specific prior art discussed
- An indication whether an agreement was reached and if so, a description of the general nature of the agreement (may be by attachment of a copy of amendments or claims agreed as being allowable). Note: Agreement as to allowability is tentative and does not restrict further action by the examiner to the contrary.
- The signature of the examiner who conducted the interview (if Form is not an attachment to a signed Office action)

It is desirable that the examiner orally remind the applicant of his or her obligation to record the substance of the interview of each case. It should be noted, however, that the Interview Summary Form will not normally be considered a complete and proper recordation of the interview unless it includes, or is supplemented by the applicant or the examiner to include, all of the applicable items required below concerning the substance of the interview.

A complete and proper recordation of the substance of any interview should include at least the following applicable items:
1) A brief description of the nature of any exhibit shown or any demonstration conducted,
2) an identification of the claims discussed,
3) an identification of the specific prior art discussed,
4) an identification of the principal proposed amendments of a substantive nature discussed, unless these are already described on the Interview Summary Form completed by the Examiner,
5) a brief identification of the general thrust of the principal arguments presented to the examiner,
    (The identification of arguments need not be lengthy or elaborate. A verbatim or highly detailed description of the arguments is not required. The identification of the arguments is sufficient if the general nature or thrust of the principal arguments made to the examiner can be understood in the context of the application file. Of course, the applicant may desire to emphasize and fully describe those arguments which he or she feels were or might be persuasive to the examiner.)
6) a general indication of any other pertinent matters discussed, and
7) if appropriate, the general results or outcome of the interview unless already described in the Interview Summary Form completed by the examiner.

Examiners are expected to carefully review the applicant's record of the substance of an interview. If the record is not complete and accurate, the examiner will give the applicant an extendable one month time period to correct the record.

Examiner to Check for Accuracy

If the claims are allowable for other reasons of record, the examiner should send a letter setting forth the examiner's version of the statement attributed to him or her. If the record is complete and accurate, the examiner should place the indication, "Interview Record OK" on the paper recording the substance of the interview along with the date and the examiner's initials.

DRAFT

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Serial No. 10/606,466
Filing Date ....Jun 26, 2003
First Named Inventor .... Sumedh N. Barde
Assignee.. Microsoft Corporation
Group Art Unit 2142
Examiner...John Moore Frink
Attorney's Docket No... MS1-1543US
Title .... Quick Starting Video Content

INFORMAL COMMUNICATION IN PREPARATION FOR

SCHEDULING AN INTERVIEW

To: Examiner Frink
        Fax: (571) 273-9686

From: Jacob Rohwer
        Lee & Hayes, PLLC
        421 W. Riverside Avenue, Suite 500
        Spokane, WA 99201
        jacob@leehayes.com
        (Tel. 509-868-8323; Fax 509-323-8979)

Dear Examiner Frink:

[0001]   This communication provides an agenda for a phone interview

of this matter.   My assistant will be contacting you to schedule an interview.

If you would prefer to schedule the interview, then please contact my

assistant or me directly.   Our contact info is on the signature page of this

document. Thank you in advance for talking with me about this matter.

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Interview Agenda:

- Discussion of difference between claims and cited art;
- Discussion of proposed amendments

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Exemplary Differences

[0002] It does not appear to me that the primary cited references (i.e., Servan and Armstrong) discloses at least the following (in particular, the emphasized text) from claims 1 and 27:

a user selecting video content;

after the selecting, receiving a static image from a content provider;

[0003] Instead, Servan discloses a method of downloading advertisements to a user's computer. These advertisements are downloaded and stored on the user's computer while a user is viewing a first web content. When the user clicks a ling to a second web content, the previously downloaded and saved advertisements are displayed while the second web content is downloaded. (Please see Servan Fig 2 and Col 2 Line 39-65) In contrast, our application associates a static image with a video content while the video content is buffering. As a result the static image is not received until after a user selects the video content as specified in claims 1 and 27. Furthermore, Armstrong fails to account for the deficiencies of Servan as specified above.

[0004] I look forward to talking to you.

DRAFT

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Respectfully Submitted,

Dated: October 19, 2007   By: _____

                                              Jacob Rohwer
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Appendix of Claims with Proposed Amendments

1.   **(Currently Amended)** A processor-readable medium, having processor-executable instructions embodied thereon, that—when executed by a processor—perform a method comprising:

a user selecting video content;

after the selecting, receiving a static image from a content provider;

displaying the static image for, at least, a fixed duration; and

buffering video content from the content provider during the displaying, wherein the static image is displayed beyond the fixed duration if the buffering is not complete when the fixed duration expires.

2.   **(Canceled)**

3.   **(Canceled)**

4.   **(Canceled)**

5.   **(Proposed Amended)** A processor-readable medium as recited in claim 1 3, wherein the method further comprises:

if the buffering is complete when the fixed duration expires,

ceasing the displaying of the static image; and

playing the video content.

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6. **(Original)** A processor-readable medium as recited in claim 1, wherein the static image is a plurality of static images comprising an animated image and the displaying comprises displaying the animated image.

7. **(Original)** A processor-readable medium as recited in claim 1, wherein the static image is in a file format selected from the group comprising:

a JPEG (Joint Photographic Experts Group) file format;

a GIF (Graphics Interchange Format) file format; and

a PNG (Portable Network Graphics) file format.

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PAGE 6/15 * RCVD AT 10/19/2007 12:55:46 PM [Eastern Daylight Time] * SVR:USPTO-EFXRF-5/1 * DNIS:2739686 * CSID:15092672653 * DURATION (mm-ss):10-08

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8.   **(Original)** A processor-readable medium as recited in claim 1, wherein the receiving comprises:

implementing a play-list that includes a reference to the static image stored on the content provider; and

requesting the static image from the content provider based on the reference.

9.   **(Previously Presented)** A processor-readable medium as recited in claim 1, wherein the displaying comprises:

implementing a play-list that includes a duration command; and

defining the fixed duration by the duration command.

10.   **(Cancelled)**

11.   **(Original)** A processor-readable medium as recited in claim 1, wherein the buffering comprises:

implementing a play-list that includes a reference to the video content stored on the content provider; and

requesting the video content from the content provider based on the reference.

12.   **(Original)** A media playing device comprising the processor-readable medium as recited in claim 1.

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13. **(Withdrawn)** A processor-readable medium comprising processor-executable instructions configured for:

playing a first video clip;

initiating buffering of a second video clip during the playing; and

displaying a last frame of the first video clip when the playing of the first video clip is complete and the buffering of the second video clip is not complete.

14. **(Withdrawn)** A processor-readable medium as recited in claim 13, comprising further processor-executable instructions configured for ceasing the displaying of the last frame of the first video clip and playing the second video clip when the buffering of the second video clip is complete.

15. **(Withdrawn)** A processor-readable medium comprising processor-executable instructions configured for:

playing a first video clip;

buffering a static image;

displaying the static image when the playing of the first video clip is complete; and

buffering a second video clip during the displaying of the static image.

16. **(Withdrawn)** A processor-readable medium as recited in claim 15, comprising further processor-executable instructions configured

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for playing the second video clip when the buffering of the second video clip is complete.

17. **(Withdrawn)** A processor-readable medium as recited in claim 15, wherein the displaying comprises displaying the static image for a fixed duration.

18. **(Withdrawn)** A processor-readable medium as recited in claim 17, comprising further processor-executable instructions configured for displaying the static image beyond the fixed duration if the buffering of the second video clip is not complete upon expiration of the fixed duration.

19. **(Withdrawn)** A processor-readable medium as recited in claim 17, comprising further processor-executable instructions configured for:

if the buffering of the second video clip is complete when the fixed duration expires,

ceasing the displaying; and

playing the second video clip.

20. **(Withdrawn)** A processor-readable medium comprising processor-executable instructions configured for:

playing a first video clip;

buffering a static image during the playing;

buffering a second video clip during the playing; and

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if the buffering of the second video clip is not complete when the playing of the first video clip is complete, displaying the static image when the playing of the first video clip is complete.

21.   (Withdrawn) A processor-readable medium as recited in claim 20, comprising further processor-executable instructions configured for:

if the buffering of the second video clip is complete when the playing of the first video clip is complete, playing the second video clip when the playing of the first video clip is complete.

22.   (Withdrawn) A play-list comprising:

a reference to a static image;

a duration command that indicates a minimum duration for which the static image must be displayed;

a show-while-buffering parameter set to indicate that the static image must be displayed until a second reference is fully buffered; and

the second reference to a video clip.

23.   (Withdrawn) A play-list as recited in claim 22 further comprising:

a second show-while-buffering parameter set to indicate that a last frame of the video clip must be displayed until a third reference is fully buffered; and

the third reference to a second video clip.

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24. **(Withdrawn)** A play-list as recited in claim 22 further comprising:

a third reference to a second static image;

a show-while-buffering parameter set to indicate that the second static image must be displayed until a fourth reference is fully buffered; and

the fourth reference to a second video clip.

25. **(Withdrawn)** A play-list as recited in claim 24 further comprising:

a duration command that indicates a minimum duration for which the second static image must be displayed.

26. **(Withdrawn)** A media playing device configured to display the static image and play the video clip according to the play-list recited in claim 22.

27. **(Proposed Amended)** A method comprising:

a user selecting video content;

after the selecting, receiving a static image from a content provider;

buffering video content from the content provider; and

displaying the static image for, at least, a fixed duration, wherein, if the video content is not yet fully buffered at the expiration of the fixed

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duration, then the displaying of the static image continues until the video content is fully buffered.

28. **(Original)** A method as recited in claim 27, further comprising:

when the video content is fully buffered,

ceasing the displaying of the static image; and

playing the video content.

29. **(Canceled)**

30. **(Canceled)**

31. **(Proposed Amended)** A method as recited in claim 27 ~~29~~, further comprising:

if the video content is fully buffered when the fixed duration expires,

ceasing the displaying of the static image; and

playing the video content.

32. **(Original)** A method as recited in claim 27, wherein the static image is a plurality of static images comprising an animated image and the displaying comprises displaying the animated image.

33. **(Original)** A method as recited in claim 27, wherein the static image is in a file format selected from the group comprising:

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a JPEG (Joint Photographic Experts Group) file format;

a GIF (Graphics Interchange Format) file format; and

a PNG (Portable Network Graphics) file format.

34. **(Withdrawn)** A method comprising:

playing a first video clip;

buffering a second video clip during the playing; and

displaying a last frame of the first video clip if the second video clip is not fully buffered when the playing of the first video clip is complete.

35. **(Withdrawn)** A method as recited in claim 34, further comprising ceasing the displaying of the last frame of the first video clip and playing the second video clip when the buffering of the second video clip is complete.

36. **(Withdrawn)** A method comprising:

playing a first video clip;

buffering a static image;

displaying the static image when the playing of the first video clip is complete; and

buffering a second video clip during the displaying of the static image.

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37. **(Withdrawn)** A method as recited in claim 36, further comprising playing the second video clip when the buffering of the second video clip is complete.

38. **(Withdrawn)** A method as recited in claim 36, wherein the displaying comprises displaying the static image for a fixed duration.

39. **(Withdrawn)** A method as recited in claim 38, further comprising displaying the static image beyond the fixed duration if the buffering of the second video clip is not complete upon expiration of the fixed duration.

40. **(Withdrawn)** A method as recited in claim 38, further comprising:

if the buffering of the second video clip is complete when the fixed duration expires,

ceasing the displaying; and

playing the second video clip.

41. **(Withdrawn)** A streaming media device comprising:

means for receiving a first static image from a content provider;

means for buffering a first video clip from the content provider;

means for displaying the first static image until the first video clip is fully buffered; and

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means for playing the first video clip when the first video content is fully buffered.

42. (Withdrawn) A streaming media device as recited in claim 41, further comprising:

means for buffering a second video clip from the content provider while the first video clip is playing;

means for displaying a last frame of the first video clip until the second video clip is fully buffered; and

means for playing the second video clip when the second video clip is fully buffered.

43. (Withdrawn) A streaming media device as recited in claim 41, further comprising:

means for buffering a second static image from the content provider while the first video clip is playing;

means for displaying the second static image when the first video clip is done playing;

means for buffering a second video clip during the displaying of the second static image;

means for ceasing the displaying of the second static image and playing the second video clip when the second video clip is fully buffered.